

Message Text

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PAGE 01 SEOUL 04356 180447Z

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ACTION EB-07

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC 728

LIMITED OFFICIAL USE SEOUL 4356

E.O. 11652: N/A

TAGS: EIND, KS

SUBJECT: COPYRIGHT AND BOOK PIRACY

REF: STATE 139769

1. EMBASSY AGREEMENT WITH MINISTRY OF CULTURE AND INFORMATION (MCUI), SUMMARIZED IN GETSINGER LETTER OF MARCH 11, 1974, ADDRESSED TO KIM YUNG KWON, MCUI CULTURE BUREAU DIRECTOR, STATES IN PART:

QUOTE I WAS PARTICULARLY PLEASED TO LEARN THAT MINISTER OF CULTURE AND INFORMATION YOON CHU YUNG HAS APPROVED THE ARRANGEMENT WHICH YOU WORKED OUT WITH THE EMBASSY'S ASSISTANT COMMERCIAL ATTACHE AND MR. ALBERT, WHEREBY BOOKS BY AMERICAN AUTHORS WHICH ARE PUBLISHED IN KOREA BY KOREAN FIRMS UNDER CONTRACT OR LICENSE FROM THE ORIGINAL AMERICAN PUBLISHER WILL BE ACCEPTED BY YOUR OFFICE FOR REGISTRATION AND COPYRIGHT UNDER THE SAME TERMS AND CONDITIONS AS THOSE WRITTEN BY KOREAN AUTHORS AND ORIGINALLY PUBLISHED IN KOREA. UNQUOTE

ONE OF THE "TERMS AND CONDITIONS" IS THAT THE COPYRIGHT MUST BE HELD IN THE NAME OF A KOREAN NATIONAL OR FIRM.

2. DIRECTOR KIM INDICATED DURING THE 1974 MEETINGS THAT FIRMS SUCH AS KWANG MOON WHICH PIRATE FOREIGN WORKS DO NOT REGISTER THEM UNDER KOREAN LAW NO. 2393. THERE IS AT
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PRESENT NO ENFORCEMENT MECHANISM THAT THE ROKG IS WILLING OR

ABLE TO APPLY TO PIRATED BOOKS UNTIL SUCH TIME AS REPRINT RIGHTS ARE LAWFULLY TRANSFERRED TO A KOREAN PUBLISHER AND THE BOOKS ARE DULY SUBMITTED FOR REGISTRATION AND (IF DESIRED) COPYRIGHT.

3. KOREAN VIEWS TOWARDS PROTECTION OF INTELLECTUAL PROPERTY SEEM TO BE CHANGING ALBEIT VERY SLOWLY, AS THE NATION DEVELOPS AN INDIGENOUS CAPACITY TO CREATE DESIGNS AND TO ENGINEER NEW PRODUCTS. THE ATTITUDE TOWARDS BOOK PRACY REFLECTS OPPOSING INTERESTS SEEKING ON THE ONE HAND TO MAKE TEXTBOOKS AVAILABLE AT LOW COST TO STUDENTS, AND ON THE OTHER TO PROMOTE A BURGEONING NEW EXPORT INDUSTRY IN THE PRINTING OF BOOKS FOR JAPANESE, AUSTRALIAN AND EUROPEAN MARKETS, AND OF REPRO PROOFS FOR U.S. AND JAPANESE MARKETS. (SEE SEOUL AIRGRAM TO BE DISPATCHED JULY 1, "MARKET BRIEF: KOREAN MARKET FOR PRINTING AND GRAPHIC ARTS EQUIPMENT.)

4. THE COURT SYSTEM HAS BEEN A LIMITED SOURCE OF REMEDY FOR OWNERS OF INTELLECTUAL PROPERTY IN KOREA. (SEE "A STUDY OF FIVE DECISIONAL OUTCOMES INVOLVING THE JUDICIAL PROCESS OF KOREA," A.I.D. FINANCED STUDY BY HAHM PYONG CHOON AND YANG SEUNG DOO, DECEMBER 31, 1973, ESPECIALLY CHAPTER 3, "COPYRIGHT CASE: MERCHANDISE OR ART.")

5. U.S. PUBLISHERS NOW HAVE A MENAS TO PREVENT PIRACY IF THEY ARE WILLING TO ISSUE REPRINT RIGHTS AND ABLE TO LOCATE A PUBLISHER WILLING TO REPRINT. A FEW U.S. PUBLISHERS HAVE STATED THAT RATHER THAN REPRINT HERE, THEY MAY LOWER THE PRICE OF THEIR INTERNATIONAL STUDENT EDITIONS FOR THE KOREAN MARKET. OTHER PUBLISHERS HAVE STATED THAT THEY WILL AWAIT THE OUTCOME OF PRENTICE-HALL'S EXPERIMENT IN REPRINTING BEFORE DECIDING UPON A COURSE OF ACTION.

6. DECONTROL FOLLOWING JUNE 30, 1976.
SNEIDER

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